

MORRIS LAW GROUP

900 BANK OF AMERICA PLAZA • 300 SOUTH FOURTH STREET • LAS VEGAS, NEVADA 89101
702/474-9400 • FAX 702/474-9422

MORRIS LAW GROUP
Steve Morris, Bar No. 1543
Email: sm@morrislawgroup.com
Akke Levin, Bar No. 9102
Email: al@morrislawgroup.com
Raleigh C. Thompson, Bar No. 11296
Email: rct@morrislawgroup.com
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, NV 89101
Telephone: (702) 474-9400
Facsimile: (702) 474-9422

Walter C. Carlson (*Admitted Pro Hac Vice*)
Email: wcarlson@sidley.com
Courtney A. Rosen (*Admitted Pro Hac Vice*)
Email: crosen@sidley.com
Meredith J. Laval (*Admitted Pro Hac Vice*)
Email: mlaval@sidley.com
SIDLEY AUSTIN LLP
1 South Dearborn
Chicago, IL 60603
Telephone: (312) 853-7734
Facsimile: (312) 853-7036

Attorneys for Defendants
Las Vegas Sands Corp. and Sheldon G. Adelson

***See Signature Block for Additional Counsel**

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FRANK J. FOSBRE, JR., Individually and
On Behalf of All Others similarly
Situating,

Plaintiff,

v.

LAS VEGAS SANDS CORP., et al.,

Defendants.

SHIRLEY and WENDELL COMBS, On
Behalf of Themselves and All Others
Similarly Situated,

Plaintiffs,

v.

LAS VEGAS SANDS CORP., et al.,

Defendants.

Case No. 2:10-cv-00765-KJD-GWF

CLASS ACTION

**MOTION TO EXTEND TIME
TO ANSWER OR OTHERWISE
RESPOND TO SECOND
AMENDED COMPLAINT
(First Request)**

Consolidated with:
Case No. 2:10-cv-00120-KJD-GWF

1 Defendants Las Vegas Sands Corp., Sheldon G. Adelson and
2 William P. Weidner ("Defendants") hereby move this Court for an order
3 extending the time for Defendants to answer the Second Amended Class
4 Action Complaint. This motion, which is Defendants' first request for such
5 an extension, is made pursuant to LR 6-1 and is based on the attached
6 declaration of counsel and the following points and authorities.

7 Lead Plaintiffs Pompano Beach Police & Firefighters'
8 Retirement System and Alaska Electrical Pension Fund ("Plaintiffs") filed a
9 Consolidated Amended Class Action Complaint ("Consolidated
10 Complaint") in the above-captioned action on November 1, 2010. (# 22).
11 The Consolidated Complaint was 115 pages long and contained 297
12 paragraphs challenging a large number of statements made by Defendants
13 over a fifteen-month putative class period. *Id.* On August 24, 2011, this
14 Court issued an order granting in part and denying in part Defendants'
15 Motion to Dismiss the Consolidated Class Action Complaint. (# 55). On
16 July 11, 2012, this Court issued an order granting in part and denying in
17 part Defendants' Motion for Partial Reconsideration of the Court's Order
18 dated August 24, 2011, dismissing numerous additional allegations from
19 the Consolidated Complaint and shortening the class period by
20 approximately six months. (# 86).

21 On September 7, 2012, Plaintiffs filed a Second Amended Class
22 Action Complaint ("Second Amended Complaint"). (# __) (filed under seal).
23 The Second Amended Complaint seeks to expand the class period by
24 approximately six months, maintains a number of statements previously
25 dismissed by this Court, and seeks to challenge many new statements as
26 allegedly false and misleading that were not part of the Consolidated
27 Complaint. *Id.* The Second Amended Complaint is 204 pages long. *Id.* It
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contains 442 paragraphs, approximately 242 of which contain new allegations. *Id.* Additionally, the Second Amended Complaint cites approximately 60 documents produced by Defendants and third parties in discovery. *Id.*

Pursuant to Fed. R. Civ. P. 15(a)(3), Defendants have until September 24, 2012 to answer or otherwise respond to the Second Amended Complaint. Due to the substantial length of the Second Amended Complaint and the number of new allegations, new statements challenged, and new documents cited, additional time is necessary for Defendants to prepare their response.

Counsel for two of the Defendants contacted counsel for Plaintiffs to request a 21-day extension of time to answer or otherwise respond to the Second Amended Complaint. Ex. A, Declaration of Meredith J. Laval ("Laval Decl.") ¶ 3. Counsel for Plaintiffs refused to consent to a 21-day extension without imposing conditions related to other discovery issues. *Id.* Counsel for Defendants explained that, due to the significant volume of new allegations in the Second Amended Complaint, Defendants required additional time to evaluate the Second Amended Complaint and its effect on discovery before conferring on these discovery issues. *Id.* ¶ 4.¹ Counsel for Defendants reiterated their request for agreement to a 21-day extension of time to answer or otherwise respond, which counsel for Plaintiffs refused. *Id.* ¶¶ 4-6; Ex. B, Email correspondence between Meredith J. Laval and Eric Niehaus.

¹ To be clear, Defendants are not refusing to meet and confer on discovery issues; they simply require time to evaluate how the substantial changes to the Second Amended Complaint affect this case and discovery. Given that Plaintiffs had not requested any meet and confer on discovery issues for months, there is no basis for tying what Plaintiffs did not dispute was a reasonable request for an extension to these issues.

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1 For these reasons, Defendants respectfully request that this
2 Court enter an Order extending Defendants' time to answer or otherwise
3 respond to the Second Amended Complaint until October 15, 2012.

4 MORRIS LAW GROUP

5 By /s/ Raleigh C. Thompson
6 Steve Morris, Bar No. 1543
7 Akke Levin, Bar No. 9102
8 Raleigh C. Thompson, Bar No. 11296
9 900 Bank of America Plaza
300 South Fourth Street
Las Vegas, NV 89101

10 Walter C. Carlson (*Admitted Pro Hac Vice*)
11 Courtney A. Rosen (*Admitted Pro Hac Vice*)
12 Meredith J. Laval (*Admitted Pro Hac Vice*)
13 SIDLEY AUSTIN LLP
1 South Dearborn
Chicago, IL 60603

14 *Attorneys for Defendants*
15 *Las Vegas Sands Corp. and Sheldon G. Adelson*

16 BROWNSTEIN HYATT FARBER SCHRECK, LLP

17 By /s/ Tamara Beatty Peterson
18 Tamara Beatty Peterson, Bar No. 5218
19 Anthony J. Diraimondo, Bar No. 10875
20 100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Telephone: (702) 464-7046
Email: tpeterson@bhfs.com

21 William F. Sullivan (*Admitted Pro Hac Vice*)
22 D. Scott Carlton (*Admitted Pro Hac Vice*)
23 PAUL HASTINGS LLP
24 515 South Flower St., Twenty-Fifth Floor
Los Angeles, CA 90071
Telephone: (213) 683-6000
25 Email: williamsullivan@paulhastings.com
26 Email: scottcarlton@paulhastings.com

27 *Attorneys for Defendant William P. Weidner*

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b) and Section IV of District of Nevada Electronic Filing Procedures, I certify that I am an employee of MORRIS LAW GROUP, and that the following documents were served via electronic service: **MOTION TO EXTEND TIME TO ANSWER OR OTHERWISE RESPOND TO SECOND AMENDED COMPLAINT (First Request)**

TO:

Spencer A. Burkholz
Steven Pepich
Christopher D. Stewart
Robbins Geller Rudman & Dowd LLP
655 W. Broadway, Suite 1900
San Diego, CA 92101
Email: spenceb@rgrdlaw.com
Email: spepich@rgrdlaw.com
Email: cstewart@rgrdlaw.com

David C. O'Mara
The O'Mara Law Firm, P.C.
311 E. Liberty Street
Reno, NV 89501
Email: david@omaralaw.net

Attorneys for Frank Fosbre

Seth Ottensoser
Bernstein Liebhard LLP
10 East 40th Street
New York, NY 10016
Email: ottensoser@bernlieb.com

*Attorneys for Defendant
Shirley Combs*

Eric I. Niehaus
Brian O. O'Mara
Robbins Geller Rudman &
Dowd LLP
655 W. Broadway, Suite 1900
San Diego, CA 92101
Email: ericn@rgrdlaw.com
Email: bomara@rgrdlaw.com

*Attorneys for Pension and
Pension and Retirement Group*

Mark D. Wray
Law offices of Mark Wray
608 Lander Street
Reno, NV 89509
Email: mwwray@markwrayaw.com

Attorneys for Alvaro Elizondo

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900 BANK OF AMERICA PLAZA • 300 SOUTH FOURTH STREET • LAS VEGAS, NEVADA 89101
702/474-9400 • FAX 702/474-9422

1 Tamara Beatty Peterson
2 Brownstein Hyatt Farber Schreck, LLP
3 100 North City Parkway, Suite 1600
4 Las Vegas, NV 89106-4614
5 Email: TPeterson@bhfs.com

6 William F. Sullivan
7 Daniel Scott Carlton
8 Paul Hastings Janofsky & Walker
9 3579 Valley Center Drive
10 San Diego, CA 92130
11 Email:
12 williamsullivan@paulhastings.com
13 Email: scottcarlton@paulhastings.com

14 *Attorneys for Defendant*
15 *William P. Weidner*

16 DATED this 2/st day September, 2012.

17 By Patty Camm
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